

Appl. No. 10/045,930
Amdt. dated March 23, 2004
Reply to Office action of September 26, 2003

Remarks/Arguments

Attorney Docket number

The applicant respectfully requests that the examiner correct the attorney docket number so that it reads "E-12873" instead of "E-12783."

Oath/Declaration

The examiner has indicated that the oath or declaration is defective because page 2 is missing. The applicant has accordingly submitted a true, correct, and full copy of the original declaration as originally submitted, which includes the page apparently missing from the Patent and Trademark Office files.

Specification

In the specification, the applicant has replaced the paragraph at page 4, lines 6-10 to recite the correct Serial Number of copending application Serial No. 10/045,948 as requested by the examiner. No new matter is added by this amendment.

Claims

Claims 1-7 and 11-16 have been cancelled. Claim 10 has been amended to recite dependency to claim 9. No new matter is added by this amendment.

35 U.S.C § 112, second paragraph

The examiner has rejected claims 1-16 as being indefinite under 35 U.S.C § 112 second paragraph. In claims 1 and 8, the examiner suggests that "high density of hydroxyl groups" is a relative term, and alleges that the term has not been specifically defined in the specification. While the applicant has cancelled claim 1, rendering this objection moot, with respect to claim 8, the rejection remains relevant. Accordingly, the applicant draws the examiner's attention to page 3, lines 14-18 wherein the applicant states:

“As used herein, a “high density” of hydroxyl groups on the aerogels refers to the aerogels exhibiting greater than 1 hydroxyl group per square nanometer of the surface of the aerogel, and preferably greater than 3 hydroxyl groups per square nanometer of the surface of the aerogel and more preferably greater than 5 hydroxyl groups per square nanometer of the surface of the aerogel.”

Having demonstrated that the disputed term is in fact defined with great specificity in the specification, the applicant respectfully requests that the examiner remove his rejection of claim 8 under 35 U.S.C § 112 second paragraph.

The examiner has rejected claim 10 because the term “said ceramic oxide” lacks an antecedent basis in claim 8. The applicant has amended claim 10 to recite dependency to claim 9, thereby providing the antecedent basis for the term “said ceramic oxide.” The applicant therefore respectfully requests that the examiner remove his rejection of claim 10 under 35 U.S.C § 112 second paragraph.

The examiner has rejected claims 4-6 and 14-16 under 35 U.S.C § 112 second paragraph, for a variety of reasons. The applicant has cancelled these claims rendering this rejection moot.

35 U.S.C § 102(b)

The examiner has rejected claims 1-7 and 11-16 under 35 U.S.C § 102(b) for a variety of reasons. The applicant has cancelled these claims rendering this rejection moot.

Allowable Subject Matter

The Examiner has indicated that claims 8-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C § 112 second paragraph. Given that the examiner’s basis for rejection, that the term “high density of hydroxyl groups” had not been specifically defined in the specification, is plainly contradicted by the

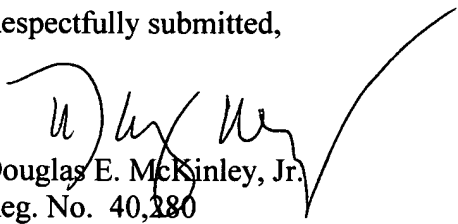
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definition provided in the specification, the applicant appreciates the indication of allowability, and trusts that no further amendments will be required.

Closure

Applicant has made an earnest attempt to place the above referenced application in condition for allowance and action toward that end is respectfully requested. Should the examiner have any further observations or comments, he is invited to contact the undersigned for resolution.

Respectfully submitted,

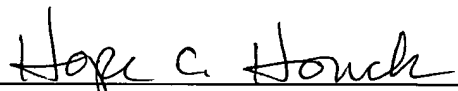

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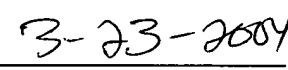
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The undersigned hereby certifies that the forgoing Amendment dated March 23, 2004 in reply to the office action of September 26, 2003 (7 pages) together with a copy of the original oath and declaration (3 pages), PTO Form PTO/SB/17 (fee sheet, 1 page, two copies), and return postcard are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on the date set forth below.


~~Douglas E. McKinley, Jr.~~ HOPE HOUCK
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Date